

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

ALLSTATE INSURANCE COMPANY, AS)
SUBROGEE OF JAMES COLEMAN,)
Plaintiff,)
v.) Civil Action No. 2:22-cv-00005
A&M TOBACCO, INC., et al.,)
Defendants.)

)

**PREMIUMESTORE, LLC's MOTION TO DISMISS PLAINTIFF'S AMENDED
COMPLAINT AND DEFENDANT A&M TOBACCO, INC.'S CROSSCLAIM**

Defendant Premiumestore, LLC (“Premiumestore”), by counsel, pursuant to Federal Rule of Civil Procedure 12(b)(6), moves this Court for entry of an Order dismissing the Amended Complaint (the “Amended Complaint”) of Plaintiff Allstate Insurance Company, as subrogee of James Coleman and to dismiss Defendant A&M Tobacco, Inc.’s Crossclaim for a failure to state a claim upon which relief can be granted. The further grounds and bases for this motion are set forth in the accompanying Memorandum in Support of Motion to Dismiss filed contemporaneously with this Motion.

WHEREFORE, Premiumestore respectfully requests that this Court grant its motion and dismiss the Amended Complaint and Crossclaim without prejudice as to Premiumestore. Premiumestore further requests the Court reward it any such further relief the Court deems appropriate.

This 29th day of August, 2022.

PREMIUMESTORE, LLC

By: /s/ Patrick R. Hanes

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CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and caused a true copy of the filing to be sent to:

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